IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of

Manard, et al.

Art Unit: 2628

Application No.: 10/040,989

Examiner: Jeffrey A. Brier

Filed: January 7, 2002

Docket No.: D/A 1167
XERZ 2 00448

For: PIXEL COLOR MAP OPERATOR INTERFACE

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Respectfully submitted,

FAY SHARPE LLP

4/13/07
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PATENT APPLICATION

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BRIEF ON APPEAL

Appeal from Group 2628

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I. REAL PARTY IN INTEREST

The real party in interest for this appeal and the present application is Xerox Corporation, by way of an Assignment recorded in the U.S. Patent and Trademark Office at Reel 012492, Frame 0621.

II. RELATED APPEALS AND INTERFERENCES

There are no prior or pending appeals, interferences or judicial proceedings, known to Appellant, Appellant's representative, or the Assignee, that may be related to, or which will directly affect or be directly affected by or have a bearing upon the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-3, 6-12, 15-18, and 21 are on appeal.

Claims 1-3, 6-12, 15-18, and 21 are pending.

Claims 1-3, 6-12, 15-18, and 21 are rejected.

Claims 4, 5, 13, 14, 19, and 20 are canceled.

IV. STATUS OF AMENDMENTS

An Amendment After Final Rejection was filed on November 28, 2006. By an Advisory Action dated December 22, 2006, it was indicated that the requested amendments were not entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The invention of claim 1 is directed to a computer system application program which performs operator interactive functions or commands. The computer system has an input, such as a mouse or a trackball, through which an operator interacts with the application program. The computer system includes an output interface through which desired commands from the application program are implemented to perform the desired functions. The operator interface application includes a pixel color map with sensitive regions which are color dependent. The operator interface application is programmed to acquire samples of the pointing device signals and process that signal to perform commands based on pixel color values. (page 2, lines 5-14)

The invention of claim 10 is directed to a method of managing interactive commands on a computer system. A pixel color map is displayed on a graphic user interface. (page 7, lines 17-18; FIG. 6, 202) A program that interfaces the pixel color map is initiated. (page 7, lines 18-19; FIG. 6, 204) A user selects a first region on the map using a pointing device, without changing the pixel color map. (page 7, lines 20-21; FIG 6, 206) The selected portion includes at least one color value. A computer program function is mapped to the at least one color value. (page 7, lines 21-22; FIG 6, 208) All regions with that color value or comparable color values are mapped to the computer program, including regions that are physically discontinuous from the selected region. (FIG 3) The computer program is performed any time the color value or comparable color value is selected. (page 4, lines 3-4)

The invention of claim 17 is directed to a method of interacting with a computer system via a displayed image. A pixel color map image is displayed on a computer

graphics display. (page 7, lines 17-18; FIG. 6, 202) A pixel color map operator interface program is started. (page 7, lines 18-19; FIG. 6, 204) A user selects a desired region on the pixel color map with a pointing device. (page 7, lines 20-21; FIG 6, 206) A first pixel color value is determined at the selected region without altering the color of the region. (page 7, lines 22-23; FIG 6, 210) An algorithm is mapped to at least the first pixel color value, again, without changing the pixel color map. (page 7, lines 23-24; FIG. 6, 212) The algorithm is read from a storage device and then a computer program is performed based on the algorithm. (page 7, lines 24-26; FIG. 6, 214)

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The following grounds of rejection are presented for review:

1) Whether claims 10-12, 15, and 16 fail to comply with the written description requirement under 35 U.S.C. §112, first paragraph; and,

2) Whether claims 1-3, 6-12, 15-18, and 21 are anticipated under 35 U.S.C. §102(b) by Bartok (U.S. Patent No. 5,737,553).

VII. ARGUMENT

A difference between Bartok and the present application is that Bartok creates hotspot objects, first defining their shape and position, while the present application does not; the present application designates a hotspot by its color. This difference occurs in a setup portion of Bartok and the execution of the program in the present application, when colors are assigned to functions. This stage happens before a user uses the system to perform the function. During its initial setup process 332, Bartok creates and paints hotspot objects (344 and 346 in fig. 7). Bartok refers to step 332 as the mapping process (col. 12, line 29). This is understood to mean that once the hotspots are created, they are then assigned a color, that is, the colors are changed during mapping (See Fig. 7, 346, a sub-step of step 332, "Paint Hot Spot Objects").

A. Claims 1-3, 6-12, 15-18, and 21 Are Not Anticipated By Bartok

1. Claim 1, and Claims 2, 3, 6-9, and 21 Dependent Therefrom

Claim 1 calls for a sensitive region to be designated in a pixel color map without altering the pixel color map. In the setup stage of Bartok, the pixel color map is altered. Bartok, at col. 12, lines 52-61, states that the create processes (340, 342, 344) are followed by painting 346 each hotspot with a unique color designation. More specifically, Bartok first creates hotspots without regard to their color. At Col. 12, line 27, Bartok begins discussion of Figure 7. First, Bartok creates an image. (Col. 12, lines 40-42.) Next, Bartok creates objects in the image. The created objects include both graphical objects and hotspot objects. (Col. 12, lines 42-44) The user in Bartok can create the graphical objects and the hotspot objects wherever he or she wishes, and the two do not necessarily have to coincide. (Col. 12, lines 54-56) But Bartok states that

the hotspot object is associated with some region of the image, not a color, when it is created. Bartok states that creating a hotspot may be thought of designating a graphical object to be a hot spot. (Col. 12, lines 57-59) It is not until after the hotspot objects are created that they are painted in a unique color (Fig. 7, step 346; Col. 12, lines 59-61).

Claim 1 includes the limitation that the invention does not alter the pixel color map during program operation. Bartok clearly paints the hotspot objects unique colors after they are created. In other words, the hotspot objects are dependent on their position and shape (i.e. where the user formed and placed them) rather than on their color. Therefore, it is respectfully submitted that claim 1, and claims 2, 3, and 6-9 dependant therefrom distinguish patentably and unobviously over the references of record. The Applicant respectfully requests that this Honorable Board reverse the rejection of claim 1.

2. **Claim 10 and Claims 11, 12, 15, and 16 Dependent Therefrom**

Claim 10 calls for selecting a first desired region on a pixel color map image via a pointing device by an operator while leaving the pixel color map unaltered. Bartok neither teaches nor reasonably suggests this claimed limitation. As stated above, Bartok defines the regions by position, then paints them a unique color after the bounds of the desired regions are defined.

Further, claim 10 calls for mapping the color to the computer program, including regions physically separate from each other and discontinuous with the originally selected region. The user in Bartok creates an image, then creates objects in the image. (col. 12, lines 45-49) The objects may be graphical objects that are then

identified as hotspot objects, or the user can skip the creation of graphical objects and jump right to the creation of hotspot objects. (col. 12, lines 52-54) Each hot spot may simply correspond to a region of the created image, and not be tied to a particular created object. (col. 12, lines 54-56) Either way, the hotspots are designated without regard for color; they are designated based on their position. It is not until they are defined that they are then associated with a unique color. (col. 12, lines 59-61). Bartok suggests that the two can happen concurrently, (i.e., the object is painted as it is defined) at col. 8, line 45, but this still defines the hotspot by the metes and bounds of its geographical definition. Further, by stating that the hotspot is assigned a unique color, Bartok is discounting the possibility of having discontinuous hotspots. If one defined region receives a unique color, it is impossible to give a second defined region the same color (then it would not be unique).

The Examiner has argued (in an interview, which the Examiner has summarized in a report issued on November 27, 2007) that language at col. 8, lines 48-50 of Bartok suggest that the painting step 346 is not mandatory. Immediately preceding this language, however, at col. 8, lines 41-45 states that "each hot spot is assigned a color" implying that he hot spot has already been defined, and then it gets a color. Following directly, Bartok states that any graphical object may be painted with a color, or hot spots can be made as graphical objects having a color. In any of these possibilities, however, the hot spots of Bartok are originally defined as a graphical object, based on position and shape. Claim 10, in contrast, originally defines the hotspot by its color. Thus, Bartok fails to anticipate claim 10 irrespective of whether Bartok later associates the hotspot to a color.

Further, assuming for the sake of argument, that Bartok does not necessarily have a painting step, Bartok would need some manner of importing a picture with color. This implies some sort of image capturing device, such as a color scanner. Bartok does not disclose such a device, and even if it were possible, identifying a unique color suitable for use by Bartok would be difficult, at best. A single object that appears to be a single color to the human eye might actually be many colors of, for example, a 16 million color palette. For the above stated reasons, it is therefore respectfully submitted that claim 10 and claims 11, 12, 15, and 16 dependent therefrom distinguish patentably and unobviously over the references of record. The Applicant respectfully requests that this Honorable Board reverse the rejection of claim 10.

3. Claim 17, and Claim 18 Dependent Therefrom

Claim 17 calls for determining at least a first pixel color value at a desired region that occurs in the desired region without altering the pixel color map, and mapping an algorithm to all occurrences of the at least first pixel color value, including occurrences of the at least first pixel color value outside of the selected region, without altering the pixel color map image. Bartok does not anticipate these aspects of claim 17. Bartok alters the pixel color map in the hot spot object painting step (col. 12, lines 60-61; FIG. 7, 346). Since claim 17 calls for selecting and mapping without altering the image, Bartok does not anticipate claim 17 as it paints the hotspot objects unique colors after they have been designated. For this reason, (and additionally for the reasons set forth above as they are appropriately applicable to claim 17,) it is respectfully submitted that claim 17, and claim 18 dependent therefrom distinguish patentably and unobviously

over the references of record. The Applicant respectfully requests that this Honorable Board reverse the rejection of claim 17.

B. Claims 10-12, 15, and 16 Comply with the Written Description Requirement of 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected claims 10-12, 15 and 16 because these claims contain the step of mapping all regions of the pixel color map image that comprise the at least one color value or comparable color values. Specifically the Examiner has stated that the term "'comparable color values' is not manifested and not conveyed by the originally filed specification to one of ordinary skill in the art." (Final Office action, issued 9/13/2006, page 2, paragraph 2.) At paragraph [0019] of the Applicant's original specification, the Applicant states that different colors and shades of colors may also be used. The Applicant believes that "different colors and shades of colors" and "comparable color values" are synonymous. It is respectfully submitted that the language from the original specification "different colors and shades of colors" supports the claim language "comparable color values," and the Applicant respectfully requests that this Honorable Board reverse the § 112 rejection with respect to these claims.

CONCLUSION

For all of the reasons discussed above, it is respectfully submitted that the rejections are in error and that claims 1-3, 6-12, 15-18, and 21 are in condition for allowance. For all of the above reasons, Appellants respectfully request this Honorable Board to reverse the rejections of claims 1-3, 6-12, 15-18, and 21.

Respectfully submitted,

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APPENDICES

VIII. CLAIMS APPENDIX:

Claims involved in the Appeal are as follows:

1. A computer system performing interactive commands, comprised of:

an input responsive to an operator action;

an output for performing a computer program function;

an operator graphical interface including a pixel color map supported on the computer system, displayed on a computer monitor display screen and being engaged by the operator via the input configured to selectively map at least one sensitive region on the display screen; and

wherein the at least one sensitive region is designated in the pixel color map without altering the pixel color map, the region associated with at least one pixel color value selected from the pixel color map currently displayed on the graphical interface which triggers the computer program function.

2. The computer system according to claim 1, wherein the operator graphical interface includes files selected from the group of a GIF file, a JPEG file, an HTML file, and an offscreen file.

3. The computer system according to claim 1, wherein the input is a computer mouse, a trackball, or a keyboard, whereby the operator interface program samples and processes signals from the input means.

4-5. (Canceled)

6. The computer system according to claim 1, wherein the computer program function performs diagnostics.

7. The computer system according to claim 1, the pixel color map is an offscreen bitmap.

8. The computer system according to claim 1, wherein an algorithm is mapped to a specific pixel color value and performs a particular computer program function.

9. The computer system according to claim 8, wherein a plurality of algorithms are mapped to a plurality of pixel color values.

10. A method of managing interactive commands on a computer system, said method comprising:

displaying a pixel color map image;

executing a pixel color map operator interface program;

selecting a first desired region on said pixel color map image via a pointing device by an operator while leaving the pixel color map unaltered, the first desired region containing at least one color value existing in the pixel color map;

mapping a computer program function based on the at least one color value of the selected desired region;

mapping all regions of said pixel color map image that comprise the at least one color value or comparable color values as the selected region with the computer program, including regions physically separate from each other and discontinuous with the originally selected region, wherein the mapping leaves the image with its original color composition; and,

performing the same computer program function when any of the regions comprising the at least one color or comparable color value are selected.

11. The method according to claim 10, wherein an algorithm is mapped to each specific pixel color value.

12. The method according to claim 11, further comprising a plurality of algorithms, each of said algorithms being mapped to a specific pixel color value.

13-14. (Canceled)

15. The method according to claim 10, wherein the pixel color map is an offscreen bitmap.

16. The method according to claim 10, wherein said computer program function is a diagnostic program.

17. A method of interacting with a computer system via a displayed image, said method comprising:

displaying a pixel color map image;

executing a pixel color map operator interface program;

selecting a desired region on said pixel color map image via a pointing device by an operator;

determining at least a first pixel color value at the desired region that occurs in the desired region without altering the pixel color map;

mapping an algorithm to all occurrences of the at least first pixel color value, including occurrences of the at least first pixel color value outside of the selected region, without altering the pixel color map image;

reading the algorithm from a storage device; and

performing a computer program function based on said algorithm.

18. The method according to claim 17, wherein said algorithm performs system diagnostics.

19-20. (Canceled)

21. The computer system according to claim 1, wherein an algorithm is mapped to a plurality of pixel color values and performs a same computer program function for each of the plurality of pixel color values.

IX. EVIDENCE APPENDIX

NONE

X. RELATED PROCEEDINGS APPENDIX

NONE